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REMARKS

The Office Action mailed June 30, 2006 has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Claim Status

Claims 1 – 12 are pending in the subject Application. By this Amendment, Claims 1 – 2, 7, and 12 have been amended. No new matter has been introduced by these amendments. Consequently, the claims under consideration are believed to include Claims 1 – 12.

Claim Rejections Under 35 U.S.C. §102

Claims 7 – 10 and 12 stand rejected under 35 USC § 102(b) as being anticipated by Wald, et al. (US 6,042,621). This rejection is respectfully overcome.

Applicants have amended Claims 7 and 12 to more distinctly point out and claim the subject matter. More particularly, applicants have removed Formula I from Claims 7 and 12.

Applicants respectfully believe newly amended Claims 7 and 12, and Claims 8, 9, and 10 which depend from amended Claim 7; can no longer be anticipate by Wald, et al., as proffered by the Office. Applicant courteously requests Claims 7-10, and 12 be allowed.

Claim Rejections Under 35 U.S.C. §103

Claims 1 – 6 and 11 stand rejected under 35 USC § 103(a) as being unpatentable over Scheibli, et al. (US 6,063,137) in view of Wald, et al. (US 6,042,621). This rejection is respectfully overcome.

A sustainable *prima facie* case of obviousness, requires that the prior art contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combine references in a manner to arrive at the claimed invention. Applicants respectfully can not find any incentive or suggestion to modify

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Scheibli, et al. (US 6,063,137) in view of Wald, et al. (US 6,042,621) in a manner enabling one with ordinary skill in the art to arrive at the Claims 1 – 6, and 11.

In each and every instance Scheibli, et al., require at least one compound according to formula 1 be present. Formula 1 contains a nickel phthalocyanine radical, see Column 2, lines 5 – 14. One with ordinary skill in the art when reading Scheibli, et al., would deem the presence of the nickel phthalocyanine radical absolutely necessary. For without it, an ordinary artisan would not hope for any chance at success.

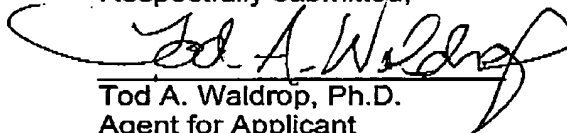
No where in the instant application is a nickel phthalocyanine radical taught, suggested or disclosed. As such, Applicants believe all claims standing rejected over Scheibli, et al. (US 6,063,137) in view of Wald, et al. (US 6,042,621), can not be deemed obvious as proffered by the Office. Applicant courteously requests Claims 1 – 6, and 11 be allowed.

For at least the foregoing reason, Applicants are of the courteous position that the §103 rejections have been overcome. Reconsideration and withdrawal of the §103 rejections is respectfully and earnestly solicited.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the agent for Applicant at the telephone number provided below.

Respectfully submitted,


Tod A. Waldrop, Ph.D.
Agent for Applicant
Registration No. 56,260

(CUSTOMER NUMBER 25,255)
CLARIANT CORPORATION
INDUSTRIAL PROPERTY DEPARTMENT
4000 Monroe Road, Charlotte, NC 28205
Phone (704) 331-7732
Fax (704) 331-7707